

Kentucky Gazette.

"True to his charge—he comes, the Herald of a noisy world; News from all nations, tumb'ring at his back."

D. BRADFORD, Editor.

LEXINGTON, THURSDAY, FEB. 23, 1837.

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A PROCLAMATION.

By the President of the United States of America.

Whereas, a Treaty of Peace and Friendship between the United States of America and the Emperor of Morocco was concluded and signed at Meccanez, on the sixteenth day of September, Anno Domini one thousand eight hundred and thirty six, which treaty is, word for word as follows:

In the name of God, the merciful clement!

Abd
Errahman
Ibnu Kesham
whom God
exalt!

PRaise be to God!

This is the copy of the Treaty of Peace which we have made with the Americans, and written in this book; affixing there to our blessed seal, that, with the help of God, it may remain firm forever.

Written at Meccanez, the city of O-lives, on the 3d day the month Jumad el-lahhar, in the year of the Hegira 1252. (Corresponding to September 16, A. D. 1835.)

ARTICLE 1. We declare that both parties have agreed that this treaty, consisting of twenty-five articles, shall be inserted in this book, and delivered to James R. Leib, agent of the United States, and now their resident consul at Tangier, with whose approbation it has been made, and who is duly authorized on their part to treat with us concerning all the matters contained therein.

ART. 2. If either of the parties shall be at war with any nation whatever, the other shall not take a commission from the enemy, nor fight under their colors.

ART. 3. If either of the parties shall be at war with any nation whatever, and take a prize belonging to that nation, and there shall be found on board subjects or effects belonging to either of the parties, the subjects shall be set at liberty, and the effects returned to the owners. And if any goods, belonging to any nation with whom either of the parties shall be at war, shall be loaded on vessels belonging to the other party, they shall pass free and unmolested, without any attempt being made to take or detain them.

ART. 4. A signal or pass shall be given to all vessels belonging to both parties, by which they are to be known when they meet at sea; and if the commander of a ship of war of either party shall have other ships under his convoy, the declaration of the commander shall alone be sufficient to exempt any of them from examination.

ART. 5. If either of the parties shall be at war, and shall meet a vessel at sea belonging to the other, it is agreed that if an examination is to be made, it shall be done by sending a boat with two or three men only; and if any gun shall be fired, and injury done without reason, the offending party shall make good all damages.

ART. 6. If any Moor shall bring citizens of the United States or their effects to his Majesty, the citizens shall immediately be set at liberty, and the effects restored; and in like manner, if any Moor, not a subject of these dominions, shall make prize of any of the citizens of America, or their effects, and bring them into any of the ports of his Majesty, they shall be immediately released, as they will then be considered as under his Majesty's protection.

ART. 7. If any vessel of either party shall put into a port of the other, and have occasion for provisions or other supplies, they shall be furnished without any interruption or molestation.

ART. 8. If any vessel of the United States shall meet with a disaster at sea, and put into one of our ports to repair,

she shall be at liberty to land and reload her cargo, without paying any duty whatever.

ART. 9. If any vessel of the United States shall be cast on shore on any part of our coasts, she shall remain at the disposition of the owners, and no one shall attempt going near her without their approbation, as she is then considered particularly under our protection; and if any vessel of the United States shall be forced to put into our ports by stress of weather, or otherwise, she shall not be compelled to land her cargo, but shall remain in tranquillity until the commander shall think proper to proceed on his voyage.

ART. 10. If any vessel of either of the parties shall have an engagement with a vessel belonging to any of the christian powers, within gun-shot of the forts of the other, the vessel so engaged shall be defended and protected as much as possible, until she is in safety; and if any American vessel shall be cast on shore on the coast of Wadnoon, or any coast thereabout, the people belonging to her shall be protected and assisted, until, by the help of God, they shall be sent to their country.

ART. 11. If we shall be at war with any christian Power, any of our vessels sails from the ports of the United States, no vessel belonging to the enemy shall follow until twenty-four hours after the departure of our vessels; and the same regulation shall be observed towards the American vessels sailing from our ports, be their enemies Moors or Christians.

ART. 12. If any ship of war belonging to the United States, shall put into any of our ports, she shall not be examined on any pretence whatever, even though she should have fugitive slaves on board, nor shall the Governor or commander of the place, compel them to be brought on shore on any pretext, nor require any payment for them.

ART. 13. If a ship of war, of either party, shall put into a port of the other, and salute, it shall be returned from the fort with an equal number of guns, not more or less.

ART. 14. The commerce with the United States shall be on the same footing as is the commerce with Spain, or as that with the most favored nation for the time being; and their citizens shall be respected and esteemed, and have full liberty to pass, and repass our country seaports, whenever they please, without interruption.

ART. 15. Merchants of both countries shall employ only such interpreters, and such other persons to assist them in their business, as they shall think proper. No commander of a vessel shall transport his cargo on board another vessel; he shall not be detained in port longer than he may think proper; and all persons employed in loading or unloading goods, or in any other labor whatever, shall be paid at the customary rates, not more and not less.

ART. 16. In case of a war between the parties, the prisoners are not to be made slaves, but to be exchanged one for another, captain for captain, officer for officer, and one private man for another; and if there shall prove a deficiency on either side, it shall be made up by the payment of one hundred Mexican dollars for each person wanting. And it is agreed, that all prisoners shall be exchanged in twelve months, from the time of their being taken, and that this exchange may be effected by a merchant, or any other person authorized by either of the parties.

ART. 17. Merchants shall not be compelled to buy or sell any kind of goods, but such as they shall think proper; and may buy and sell all sorts of merchandise, but such as are prohibited to the other christian nations.

ART. 18. All goods shall be weighed and examined before they are sent on board; and to avoid all detention of vessels, no examination shall afterwards be made, unless it shall first be proved that contraband goods have been sent on board; in which case, the persons who took the contraband goods on board, shall be punished according to the usage and custom of the country, and no other person whatever shall be injured, nor shall the ship or cargo incur any penalty or damage whatever.

ART. 19. No vessel shall be detained in port on any pretence whatever, nor be obliged to take on board any article without the consent of the commander, who shall be at full liberty to agree for the freight of any goods he takes on board.

ART. 20. If any of the citizens of the United States, or any persons under their protection, shall have any dispute with each other, the consul shall decide between the parties; and whenever the consul shall require any aid or assistance from our Government, to enforce his decisions, it shall be immediately granted to him.

ART. 21. If a citizen of the United States should kill or wound a Moor, or, on the contrary, if a Moor shall kill or wound a citizen of the United States, the

law of the country shall take place, and equal justice shall be rendered, the consul assisting at the trial; and if any delinquent shall make his escape, the consul shall not be answerable for him in any manner whatever.

ART. 22. If an American citizen shall die in our country, and no will shall appear, the consul shall take possession of his effects; and if there shall be no consul, the effects shall be deposited in the hands of some person worthy of trust, until the party shall appear who has a right to demand them; but if the heir to the person deceased be present, the property shall be delivered to him without interruption; and if a will shall appear, the property shall descend agreeably to that will, as soon as the consul shall declare the validity thereof.

ART. 23. The consuls of the United States of America, shall reside in any seaport of our dominions that they shall think proper, and they shall be respected, and enjoy all the privileges which the consuls of any other nation enjoy; and if any of the citizens of the United States shall contract any debts or engagements, the consul shall not be in any manner accountable for them, unless he shall have given a promise in writing for the payment or fulfilling thereof; without which promise in writing, no application to him for any redress shall be made.

ART. 24. If any differences shall arise by either party infringing on any of the articles of this treaty, peace and harmony shall remain notwithstanding, in the fullest force, until a friendly application shall be made for an arrangement; and until that application shall be rejected, no appeal shall be made to arms. And if a war shall break out between the parties, nine months shall be granted to all the subjects of both parties, to dispose of their effects, and retire with their property. And it is further declared, that whatever indulgence, in trade or otherwise, shall be granted to any of the christian Powers, the citizens of the United States shall be equally entitled to them.

ART. 25. This treaty shall continue in force, with the help of God; for fifty years; after the expiration of which term, the treaty shall continue to be binding on both parties, until the one shall give twelve months notice to the other, of an intention to abandon it; in which case, its operations shall cease at the end of the twelve months.

Consulate of the United States of America,
For the Empire of Morocco.

TO ALL WHOM IT MAY CONCERN.

Be it known: Whereas the undersigned, James R. Leib, a citizen of the United States of North America, and now their resident consul at Tangier, having been duly appointed commissioner, by letters patent, under the signature of the President, and seal of the United States of North America, bearing date at the city of Washington, the 4th day of July, A. D. 1835, for negotiating and concluding a treaty of peace and friendship between the United States of North America, and the Empire of Morocco. I, therefore, James R. Leib, Commissioner as aforesaid, do conclude the foregoing treaty, and every article and clause therein contained, reserving the same, nevertheless, for the final ratification of the President of the United States of North America, by and with the advice and consent of the Senate.

In testimony whereof, I have hereunto affixed my signature and the seal of this consulate, on the 1st day of October, in the year of our Lord 1836, and of the Independence of the United States the sixty-first.

JAMES R. LEIB.

And whereas, the said Treaty has been duly ratified by the respective Governments: Now, therefore, be it known, that I, Andrew Jackson, President of the United States of America, have caused the said treaty to be made public, to the end that the same, and every clause and article thereof, may be observed and fulfilled with good faith, by the United States and the citizens thereof.

In testimony whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the city of Washington this thirtieth day of January, in the year of our Lord one thousand eight hundred and

thirty seven, and of the Independence of the United States, the sixty-first.

ANDREW JACKSON.

By the President,

JOHN FORSYTH,
Secretary of State.

NOTICE.

JAMES E. DAVIS, Attorney and Counselor at Law, has removed his office to the large room on Jordan's Row, opposite the Clerk's Office, where he can always be found.
Lexington, Feb. 3, 1837.—64

Blank warrants
FOR SALE AT THIS OFFICE.

RELATIONS WITH MEXICO.

The return of the Charge of the United States, Mr. Ellis, will necessarily draw the attention of all who feel an interest in the posture of our affairs with the neighboring Republic, to the documents which have recently been laid before Congress on this subject. Another communication from the President to Congress on this subject, made necessary by the return of Mr. Ellis, will develop the state of things existing at the moment our Charge d'Affaires left Mexico. What he was instructed to ask and to do, will be seen from the following letters of the Secretary of State to Mr. Ellis.

It seems that those councils have prevailed in Mexico, which its late Minister, Gorostiza, inculcated from this capital. What they were, may be ascertained by the English reader from a pamphlet recently published by Peter Force of this city, entitled, "AN EXAMINATION AND REVIEW OF A PAMPHLET PRINTED AND SECRETLY CIRCULATED BY MR. E. GOROSTIZA, LATE ENVOY," &c.

The pamphlet to which we refer, and which we understand is from the pen of an intelligent literary gentleman, late of the navy, contains a translation of Gorostiza's pamphlet and correspondence. The writer, in his review, strongly intimates his suspicion that the Editors in this country who labored in the cause of Gorostiza, and sought, with him, to bring the good faith of our Government into question, received a valuable consideration for their services. Speaking of Gorostiza's abuse of General Jackson, the Reviewer says: "He (Gorostiza) could not have delighted them (the editors) more, unless it were to have sent them a targa of the score shipped him to New Orleans for secret service. That such is the case we do not pretend to assert; but assuredly the laborer is worthy of his hire."

In the following passage of Gorostiza's pamphlet, will be seen both the object for which he made his representations, (viz: that his Government might make "a complete publication") and what these representations were. It will be found that he distinguishes the party of "merchants," "gentlemen of independent fortunes," "the real officers of the army and navy," "the editor who respects himself," "the office holder who cannot be removed," "the mass, necessarily ignorant, which has every thing in its power." In a word, the passage shows that Gorostiza is a thorough-going "new born whig" of the White, Webster, Clay, and Calhoun school.

"We hope (says Gorostiza) that the Mexican Government will in due time order the complete publication of all these documents, if it be desired that the world should know of what advantage to Mexico has been the long proclaimed neutrality of the United States in the war sustained by a neighboring and friendly nation, against the ungrateful strangers whom it had received into one of its most fertile provinces. These strangers too were all North Americans, as were likewise all who have aided them with their hands, their money, their writings, their advice, and their hatred to Mexico."

"It is not here intended to be said that there are not in the United States many citizens who honestly lament what had taken place, and is still going on in their country, respecting the rebellion in Texas, and who do not almost desire that Mexico should triumph, from mere respect for justice and right: quite the contrary. There is scarcely a single respectable merchant or gentleman of independent fortune, or real officer of the army or navy, or editor who respects himself, or office holder who cannot be removed, or, in fine, a single American of the school of Washington and Madison, who does not belong to this class. But what can so minute a fraction do against the overwhelming efforts of a mass necessarily ignorant, which has every thing in its power, and which can be blindly led wherever it may please dishonest, greedy, unprincipled, and consequently, unbridled flatterers? nothing, unfortunately for Mexico, and unfortunately too for the United States."

"The Mexican Envoy will, however, never forget the testimonies of sincere interest which he has observed in all those citizens to take in the cause committed to his charge, particularly in the excellent and enlightened city of Philadelphia, in Boston, in Baltimore, and even in New York, although the latter place is the headquarters of the speculators in Texan lands. He also embraces this opportunity to thank the Editors of the National Intelligencer, of the Atlas, of the New York American, and of the other papers, for the noble efforts and the talent with which they have defended this cause, without any other inducement than that of enlightening public opinion on matters which so seriously affect the reputation of their country, and without the Envoy having ever had the pleasure of knowing one of those gentlemen even by sight."

Mr. Forsyth to Mr. Ellis.

DEPARTMENT OF STATE,
Washington, July 20, 1836.

SIR: The enclosed copies of letters to this Department from Mr. Coleman, the acting consul of the United States at Tabasco, will inform you of the outrageous conduct of the authorities there with regard to the officers, crew, and cargo of the schooner Northampton, wrecked on the Mexican coast in that quarter, and in relation to the acting consul himself.

The accumulation of causes for complaint on the part of our citizens against the Mexican Government, the frequency of their occurrence of late, and, so far as appears from the correspondence of your predecessors, the indisposition of that Government to inquire into them, to grant satisfaction for them, or to take proper steps to prevent their recurrence, have by no means tended to strengthen the spirit of forbearance with which the President has hitherto acted towards Mexico; entertaining, as he does, a sincere sympathy for her domestic troubles, and a hearty desire to preserve and cultivate the relations of peace, friendship, and good neighborhood with her Government and people. He is satisfied, however, that further delay in the acknowledgment, if not in the redress, of the injuries complained of, cannot be acquiesced in, compatibly with the dignity, rights, and interests of the United States. He therefore directs, that in presenting to the notice of that Government the case of the Northampton, you will make a fresh appeal to its sense of honor and justice in relation to our claims generally; and, to show that the President's estimate of the grievances suffered by our citizens resorting to Mexico, especially since the conclusion of the treaty, is not exaggerated, your note will refer to the following cases, in which the interposition of this Government has been asked for since the 5th of April, 1832, and all of which either you or your predecessor has heretofore been instructed to bring to the notice of the Mexican Government.

On the 31st of December, 1831, an alcalde of Menatitan, in the colony of Guazacualco, instituted what is said to have been an illegal, arbitrary, and oppressive proceeding against Doctor Baldwin, a citizen of the United States, under color of a suit at law, preferred and carried on by a creature of the alcalde himself. Baldwin appeared before the alcalde to answer the charge; an altercation ensued; and the alcalde ordered him to the stocks, which Baldwin refused to submit to, attempted to escape, and was pursued by a party of soldiers, who attended the court. In the race Baldwin fell, captured an injury in one of his legs, was captured, carried back into the presence of the alcalde, placed in the stocks, and afterwards imprisoned.

In February, 1832, the schooner Topaz, of Bangor, Maine, was employed by the Mexican Government to carry troops from Matamoros to Galveston bay. The master and mate were murdered by the soldiers on the passage, the crew imprisoned, and the vessel seized and converted to the Mexican service.

On the 21st June, 1832, the American schooner Brazoria was seized in the port of Brazoria, by John Austin, the Mexican military commandant in that quarter, and employed to make an attack upon Anahuac, then in possession of insurgents. During the attack, the vessel was injured so as to be made unseaworthy, and was abandoned as a total loss, for which the underwriters have received no compensation.

In the summer of 1832, the steamboat Hidalgo and schooner Consolation, belonging to Aaron Leggett, of New York, were forcibly taken possession of by Mexican officers at Tabasco, and used by them. The brig John, belonging to Leggett, was also detained, and money was extorted from him. The consequence resulting from these acts are represented to have been ruinous to the sufferer, and the Mexican Government is clearly bound by the treaty to indemnify him for them.

In March, 1834, Captain McGeige, of the schooner Industry, of Mobile, was imprisoned at Tabasco, and an exorbitant fine demanded of him without cause. The payment of the fine being made the only condition upon which he could be allowed to depart, he abandoned his vessel and her cargo to the authorities, who afterwards sold them.

In the summer of 1834, the brig Paragon, of New York, was causelessly fired into on her way to Vera Cruz by the Mexican public armed schooner Tampico. In answer to an official representation on the subject by Mr. Butler, that Government promised that the affair should be inquired into; but this department is not informed that the promise has been fulfilled.

In the beginning of May, last year, the answer of officers supposed to belong to the custom-house, who boarded the brig Ophir, of New York, on her arrival at Campechy, to an inquiry of the captain as to which of the ship's papers it would be necessary to present at the custom-house, was accidentally, or intentionally, misinterpreted. In consequence of this, notwithstanding all the papers were

shown to the boarding officers, the invoices only being exhibited at the custom-house, the vessel was seized and condemned.

In May, 1835, also, the schooner Martha, from New Orleans, was seized at Galveston bay by the Mexican armed schooner Montezuma for an alleged non-compliance with some of the formalities of their revenue laws. Four of the passengers of the Martha were put in irons under the hatches of the Montezuma, and otherwise treated with great barbarity, merely for an imputed intention to use their fire-arms against a guard that had been placed on board the Martha.

In November, 1835, the schooner Hannah and Elizabeth, of New Orleans, was stranded in attempting to enter Matagorda bay. While in this condition, she was fired into by the Mexican armed schooner Bravo, boarded by twenty armed soldiers under the command of two officers, who forcibly took the master, crew, and passengers from the wreck, pillaged them of most of their clothes, and chained them in the hold of the Bravo until their arrival at Matamoros, where they were continued in confinement; but through the urgent representation of our consul there, all but the captain were eventually released. It is not known to the department that he has yet been liberated, or that any satisfaction has been offered by the Mexican Government.

On the 17th of February last, William Hallett and Zalmon Hull, citizens of the United States, were arrested in the streets of Matamoros by a party of armed soldiers, who struck Hull in the face with a sword, and forcibly took both to the principal barrack in that city, where they were confined upon suspicion of being about to proceed to Texas. Shortly afterwards sentinels were placed at the doors of the consul's residence, under false pretences, and all communication with the house prohibited. Armed soldiers broke open his gate during his absence, forcibly took a mare and two mules belonging to him, entered his house with drawn swords, and searched every room in it, for the avowed object of finding the consul. Hallett and Hull have been released, but the department is not aware that any reparation has been made for the proceeding against them, or for the insult to the consul.

In February last, an attempt was made at the city of Mexico to take from Mr. W. A. Slacum, protected by a courier's passport from this department, public despatches of this Government, addressed to Mr. Butler. The attempt failed, but Mr. Slacum was fined and detained for carrying official letters on his person, authenticated by the endorsement of this department, and directed to the charge d'affaires of the United States in Mexico.

In March last, the schooner Eclipse was detained at Tabasco, and her master and crew maltreated by the authorities.

In April last, the brig Jane, schooner Compeer, and other merchant vessels of the United States, were forcibly detained at Matamoros.

You will also notify the Mexican Government that it is expected any damage which may have been sustained by citizens of the United States, in consequence of the recent embargo at Vera Cruz, Tampico, and other Mexican ports on the Gulf, will be repaired, pursuant to the stipulation in the treaty. The papers now sent, show that the military commandant of Tampico, has made the embargo a pretext for interrupting or obstructing the correspondence between the commander of the United States revenue cutter Jefferson and our consul there. For these acts, proper satisfaction will likewise be expected. The outrages and indignities committed against consuls and other officers of the United States, though not more unjust nor attended with circumstances of greater hardship than those done to individual citizens, are nevertheless to be considered as greater violations of the rights of the United States, and to be represented accordingly.

Though the department is not in possession of proof of all the circumstances of the wrongs done in the above cases, as represented by the aggrieved parties, yet the complaints are such as to entitle them to be listened to, and to justify a demand on the Mexican Government that they shall be promptly and properly examined, and that suitable redress shall be afforded. You will, therefore, immediately address a strong but respectful representation to the Mexican Government on the subject of these various injuries. You will also remind it of the numerous other complaints which have been made from time to time, and which will remain unredressed. You will likewise set forth the great forbearance which the Government of the United States has practiced towards Mexico, and the friendly and benevolent motives which have led to it; and you will state that the President, finding that this moderation and forbearance, so far from being appreciated by Mexico, seem only to be met by new injuries, is constrained, by a high sense of duty, to ask of the Mexican Government such reparation as these

accumulated wrongs may, on examination, be found to require.

If, contrary to the President's hopes, no satisfactory answer shall be given to this just and reasonable demand within three weeks, you will inform the Mexican Government that, unless redress is afforded without unnecessary delay, your further residence in Mexico will be useless. If this state of things continue longer, you will give formal notice to the Mexican Government that, unless a satisfactory answer shall be given within a fortnight, you are instructed to ask for your passports; and, at the end of that time, if you do not receive such answer, it is the President's direction that you demand your passports, and return to the United States, bringing with you the archives of the legation.

Mr. William A. Weaver, who is sent as a special messenger with this communication, you will detain until you can frame a full report to the department, as to the state of the business of your mission, as well as that under the charge of Mr. Butler as that entrusted to you.—You will also send by the messenger, on his return, (if they can be prepared within a reasonable time,) copies of Mr. Butler's despatches Nos. 14, 33, 52, 53, 54, 58, and 84, the originals of which were never received; and of all his correspondence with the Mexican Government and with others, on public business, so far as the records and files in the legation will allow you to do. Mr. Butler was repeatedly instructed to supply these papers, but the instructions have not been complied with. The expense of the transcripts required will be made a separate charge in your accounts, and will be accompanied by proper vouchers.—During Mr. Weaver's necessary detention, you will avail yourself of his assistance in making the copies. He has received five hundred dollars on account of his expenses to Mexico. You will furnish him with a like sum to defray his expenses on his return to Washington, for which your draft on the department will be honored.

I have the honor to be, sir,
Your obedient servant,
JOHN FORSYTH.
POWHATAN ELLIS, Esq
Charge d'Affaires of the U. States,
Mexico.

Mr. Forsyth to Mr. Ellis.
DEPARTMENT OF STATE,
Washington, Dec. 10, 1836.

Sir: Mr. Gorostiza has, upon his own responsibility, terminated his extraordinary mission to the United States. The President will not believe that the Mexican Government is under the influence of the obvious prejudices which have distorted and discolored every object seen here in the view of their functionary.—The full and frank explanations of his motives and purposes in the precautionary means taken on the frontiers, should have satisfied that Government that nothing could be further from the President's intentions than to injure Mexico in her interests or in her honor. Under this conviction, he trusts that the departure of the extraordinary mission will in no respect, interrupt the friendly relations between the two Governments; and he instructs me to say, that whatever feelings such a step was calculated to produce, it shall not be permitted to diminish his confidence in the amicable disposition of the Mexican Government, nor to operate in his mind prejudicially to its interests. Although the President supposes that the Mexican Government will have found, in the communications heretofore made by the department to its envoy extraordinary, satisfactory grounds to justify the measure viewed so unfavorably by Mr. Gorostiza, yet his sincere and strong desire to prevent any misunderstanding on the subject induced him to determine, on the departure of that minister, to make such explanations as might prevent the Mexican Government from being misled into the adoption of the errors of their minister. Since my return to the seat of Government, the great pressure of other public business and the condition of the President's health, have delayed until now the execution of that purpose.

So soon as the contest in Texas was found to be inevitable, it became the President's duty to consider its probable consequences to the United States, with a view to guard against the injuries it might produce to our citizens, and to the performance of the obligations of the Government to a friendly and neighboring power. The more immediate danger was, that the contending parties might, in the struggle, find it necessary or convenient to seek, for advantage or protection, refuge on the territory of the United States; and that, being pursued by their adversaries, our soil might become the battle ground for deciding the contest.—Sufficient warning to both was therefore given, that this could not and would not be permitted. Subsequent events rendered any further precautionary steps in that regard unnecessary; but among the stipulation of Mexico and the United States to each other, was found one obliging each party to restrain the Indians within its dominions from all depredations upon the adjoining power. The extent in which this provision was understood by Mexico will be seen by recurring to the complaints made to this Government, that some of the Indians on our side had crossed over, without even an allegation of its having been done with any hostile design towards Mexico. With out assenting to the claims of Mexico as to the extent of the obligations of the United States under the treaty stipulation, the President was duly sensible that it required decisive means on his part to

prevent the Indians within the United States from entering into the quarrel in Texas. In addition to warning advice, given through our Indian agents, the presence of some of our troops was deemed indispensable to enforce, if necessary, the counsel given to them. The presence of this force was imperatively demanded to prevent evils which might arise from various other causes. The savage tribes prone to war, within reach of the contending parties, were numerous; and, on the Mexican side, known to be under very imperfect control. These warlike tribes, without regard to the combatants, might be tempted to fall upon the frontiers of the United States or Mexico, hoping that their depredations might be imputed to the known parties in the war. One of the combatants, in the event of defeat, or to strengthen himself against the more potent adversary, might solicit, and, it was to be feared, might obtain, the active co-operation of some of the Indian tribes, whose conduct when once in the field, it would be impracticable to regulate according to the rules of civilized warfare, or to the obligations of their allies—to respect the territory, the persons, and property of neutrals. The distance of the scene of operations from the seat of Government compelled the Chief Magistrate to trust the discretionary power of using the troops to the commanding officer; yet, such care was taken in framing the order, given with the authority to act, that the President believed it scarcely possible that cause of just complaint could arise; yet, from extreme caution, and from an anxious desire to prevent the possibility of misconception on the part of Mexico, the steps taken were immediately made known to the minister plenipotentiary of that country, with the most explicit specification of the objects for which alone, the discretionary power to the commander on the frontier was given. The President did not doubt that, on the actual occurrence of any of the evils anticipated, or on satisfactory evidence of imminent danger of them, the commanding officer of the troops on the frontier had an indisputable right, in defence of the United States, or in protecting Mexican territory, according to the stipulation of the treaty, to occupy any position on either side of the line supposed to divide the two countries, which might be necessary to divide the two countries, which might be necessary to enable him to perform either of those duties. Yet he deemed it proper, from the peculiar circumstances of the contest in Texas, to limit that discretion by special instructions to move towards the Mexican side only under a state of things which should make that step justifiable in the eyes even of those who were disposed to watch every movement on our part with suspicion and jealousy.

You will perceive that Mr. Gorostiza, in his conference with me, distinctly admitted our right, in the event of hostility to the United States by Mexican Indians, to invade the territory of Texas, either to prevent intended injury, or to punish actual depredation. In a note written subsequently, he seeks to avoid the force of that admission, by confounding the principle upon which it obviously rests with the right of making war for a violation of treaty engagement. You will find no difficulty in showing to the Mexican Government that it rests upon principles of the law of nations, entirely distinct from those on which war is justified—upon the immutable principles of self-defence—upon the principles which justify decisive measures of precaution to prevent irreparable evil to our own or to a neighboring people. The grossness of the error of placing it on the right of war, as also the folly of relying upon that mode of redress, you can render obvious, by supposing that hostilities were, under present circumstances on the frontier, about to begin. Our fellow-citizens, of all ages and classes, to be exposed to massacre, their property to destruction, and the whole frontier to be laid waste by those savages Mexico was bound to control. Until these evils happen, on Mr. Gorostiza's theory, we have no right to take a position which will enable us to act with effect; and, before we do act, according to our promises under the thirty-third article of the treaty, after the frontier has been desolated, we must demand redress of Mexico—wait for it to be refused—and then make war upon Mexico. We are quietly to suffer injuries we might prevent, in the expectation of redress—redress for irreparable injuries from Mexico, who did not inflict them, but who was, from circumstances, without the power to prevent, as she would be, after they were inflicted, without the power to redress them. To make war upon Mexico for this involuntary failure to comply with her obligations, would be equivalent to an attempt to convert her misfortunes into crimes—her inability into guilt. If these injuries had been committed, and our complaints made to Mexico, what answer could be given to declarations of the Mexican Government like these: "We had not the power to prevent the evils of which you complain. Our inability to perform our promises was well known to you. It was your duty, having the means, to prevent these evils. We expected this would be done; and if, unwisely you have suffered them to be inflicted upon you, while we regret infinitely what has occurred, we can only express our regret, and call upon you to consider that your vengeance should fall not on Mexico or her citizens, but upon the tribes who committed the cruelties on your frontiers, or upon the rebellious people (in Texas) by whom those tribes should have been restrained?" In determining upon the precautions authorized by him to avert evils that could not be repaired, to avoid the mockery of calling upon Mexico for redress for injuries it

was out of her power to guard against, and the cruelty of seeking for satisfaction of weakness, which was due only from guilt, the President will not—cannot—believe that Mexico, in the present condition of her affairs, will consider her character or interests in the slightest degree injured; and you will distinctly state to that Government, that, until they have a force competent to perform the treaty stipulations near the frontier, he will be compelled to regard every indication of dissatisfaction as founded not upon the principles of national law, but on a groundless suspicion of the intentions of the United States.

I shall send, with this despatch, a copy of the President's message at the opening Congress, from which you will be able to draw additional evidences of the just and amicable intentions of the Chief Magistrate. The President desires that you should give such explanations to the Mexican Government as these instructions will enable you to make; which, if received in the proper and friendly spirit in which they are offered, will, he trusts, remove all ground for doubts and anxieties, if any have been entertained on the subject.

It would be gratifying to the President, if this communication, which you will have to make to the Mexican Government, was limited to these explanations. Unfortunately, the conduct of its late minister extraordinary has made it necessary to touch upon even a more unpleasant topic. You will learn with astonishment that Mr. Gorostiza, while enjoying his diplomatic privilege, although after he declared his mission at an end, published, on his own authority, a pamphlet (a copy of which is herewith sent to you) containing parts of his unpublished correspondence with this department, and extracts from his letters to the Mexican Secretary of Foreign Relations, with a long introductory preface. The publication of his correspondence with the department, without the authority of his Government, is believed to be unexampled in the history of diplomacy, and was not decorous to the Government of the United States. The extracts from his correspondence with his own Government, and his introduction to the whole, contain statements and comments defamatory of the Government and people of the United States, and obviously intended to injure the character of both, for honor and good faith, in the eyes of the world. This pamphlet, although not circulated generally among our citizens, was in the hands of editors of newspapers, who have published extracts from it; and the President has been informed that two copies of it were sent by its author, at the moment of his departure from the United States, to some, if not to all, the members of the foreign diplomatic body accredited here. This act, still more extraordinary, because it almost immediately followed the communication of the President's intention to direct that explanations, which he believed would be satisfactory, should be made to the Mexican Government, has excited but one sentiment among those to whom it is known. In directing you to make known the publication of this pamphlet to the Mexican Government, the President does not doubt the truth of the declaration made by its author, that this publication was his own personal act, for which he had no authority from his Government; nor will he permit himself to suppose for an instant that it will adopt or sanction conduct so glaringly violating all the decorum of diplomatic usage; so disrespectful to the Government and people of the United States; so unworthy the representative of a respectable Government; and so well calculated to interrupt the harmony and good will which ought to subsist between the United States and Mexico.

How far the character of the Mexican Government for decorum and justice, and an honorable desire to maintain a respectable rank among the civilized nations of the world, require a distinct manifestation of its just displeasure at such an extraordinary step, are questions that belong to itself alone to consider and decide. In giving you this instruction to make known to the Mexican Government the conduct of its envoy, without a demand of reparation at its hands, the President is influenced, as well by the explicit disavowal of the envoy of all participation on the part of his Government in the act complained of, as by the sincere conviction, already expressed, that a step so reprehensible will not be countenanced by it. But, in contrary to all just expectation, the Mexican Government shall adopt that act, or give sanction to it, by approving of their minister's conduct, the continuance of diplomatic intercourse between the two countries can no longer be either useful or reputable to the United States. However painful may be the consequences, the honor of the American people requires the President to instruct you, as I now do, in that event, to demand your passports, and to return forthwith, bringing with you all the archives of the legation, to the United States.

I have the honor to be, sir,
Your obedient servant,
JOHN FORSYTH.
POWHATAN ELLIS, Esq.
Charge d'Affaires of the United States.

TWENTY-FOURTH CONGRESS.
SECOND SESSION.
IN SENATE.
TUESDAY, Feb. 7, 1837.

MEXICO.—The following message was received from the President of the United States, through Mr. Jackson, his private Secretary:

To the Senate of the United States:
At the beginning of this session, Con-

gress was informed that our claims upon Mexico had not been adjusted, but that, notwithstanding the irritating effect upon her councils of the movements in Texas, I hoped, by great forbearance, to avoid the necessity of again bringing the subject of them to your notice. That hope has been disappointed. Having in vain urged upon that Government the justice of those claims, and my indispensable obligation to insist that there should be no further delay in the acknowledgment, if not in the redress of the injuries complained of, my duty requires that the whole subject should be presented, as it now is, for the action of Congress, whose exclusive right it is to decide on the further measures of redress to be employed. The length of time since some of the injuries have been committed, the repeated and unavailing applications for redress, the wanton character of some of the outrages upon the property and persons of our citizens, upon the officers and flag of United States, independent of recent insult to this Government and People by the late Extraordinary Mexican Minister, would justly, in eyes of all nations, immediate war.—That remedy, however, should not be used by just and generous nations, confiding in their strength for injuries committed, if it can be honorably avoided; and it has occurred to me that, considering the embarrassed condition of that country, we should act with both wisdom and moderation, by giving to Mexico one more opportunity to atone for the past, before we take redress into our own hands. To avoid all misconception on the part of Mexico, as well as to protect our own national character from reproach, this opportunity should be given, with the avowed design and full preparation to take immediate satisfaction if it should not be obtained on a repetition of the demand for it. To this end I recommend that an act be passed authorizing reprisals, and the use of the naval force of the United States by the Executive against Mexico, to enforce them, in the event of a refusal by the Mexican Government to come to an amicable adjustment of the matters in controversy between us, upon another demand thereof made from on board one of our vessels war on the coast of Mexico.

The documents herewith transmitted, with those accompanying my message in answer to a call of the House of Representatives of the 14th ultimo, will enable Congress to judge of the propriety of the course heretofore pursued, and to decide upon the necessity of that now recommended.

If these views should fail to meet the concurrence of Congress, and that body be able to find in the condition of the affairs between the two countries, as disclosed by the accompanying documents, with those referred to, any grounded reasons to hope that an adjustment of the controversy between them can be effected without a resort to the measures I have felt it my duty to recommend, they may be assured of my co-operation in any other course that shall be deemed honorable and proper.

ANDREW JACKSON.

Washington, Feb. 6, 1837.

The message was read, and, on motion of Mr. Buchanan, it was ordered to be printed, together with the accompanying documents, and referred to the Committee on Foreign Relations.

In Select Committee of the House to inquire into the Executive Department, Jan. 23, 1837.

The following resolutions, as amended, were adopted, and a copy of the same directed to be sent by the Chairman to each of the heads of the Departments:

1. Resolved, That the heads of the several Departments be directed to furnish this committee with a statement showing the sums of money paid within the year ending on the 1st of December last, by such Departments respectively, their agents, or deputies, without authority of law, if any, to printers or editors of newspapers; specifying the names and residence of such printers and editors, and also the names and places of publication of the newspapers owned or published by them; and showing the services and consideration for which such sums have been paid, giving each item as stated in the accounts of such printer or editor, and the reasons for making such payments.

2. Resolved, That the President of the United States be requested, and the heads of the several Executive Departments be directed, to furnish this committee with a list or lists of all the officers, or agents, or deputies, who have been appointed, or employed and paid, since the 4th of March, 1829, to the 1st of December last, if any, without authority of law, or whose names are not contained in the last printed Register of public officers, commonly called the Blue Book, by the President or either of the said heads of Departments, respectively, and without nomination to, or the advice and consent of the [Senate of the] United States; showing the names of such officers, agents, or deputies; the sums paid to each, the services rendered, and by what authority appointed and paid, and what reasons for such appointments.

3. Resolved, That the heads of the several Departments be required to furnish this committee with a statement showing the various amounts of money paid within the last four years, ending on the 1st of December last, for contingencies, whether appropriated or not by law, to whom, and for what paid; showing whether any, and if any, what appropriations have been changed from specific to other objects of expenditure than those for which they were made, and how such change was authorized or

effected; and showing the amount of illegal irregular expenditures, allowances, or payments of every description whatever, if any, made by said Departments; respectively, since the 4th day of March, 1829, to the 1st of December, 1836, and whether paid by Treasury warrants or draft, or otherwise, to whom and for what paid, and the authority and reasons for such expenditures.

4. Resolved, That the heads of several Departments be directed to furnish this committee with a list of all officers, agents, or deputies, who have, since the 4th day of March, 1829, to the 1st of December last, within the Departments, respectively, received salaries, pay, or emolument of any kind, without rendering service to the Government; who have received salaries, pay, or emolument of any kind without being in office; whose commissions have been annulled; who held other stations or appointments, State or Federal, when receiving pay for particular offices or agencies, or who have been engaged in private employment, and what, whilst receiving pay from, and rendering no service to, the Government of the United States, with the names of such officers, or agents, or deputies, the sums or salaries paid to each, and the times of service of each, respectively.

5. Resolved, That the various Executive officers, in replying to the foregoing resolutions, be requested, at the same time, to furnish a statement of the period at which any innovations not authorized by law, if such exist, had their origin; their causes, and the necessity which has required their continuance.

6. Resolved, That the Secretary of the Navy be directed to furnish this committee with the report, or copy of the report, of John P. Van Ness and Amos Kendall, commissioners appointed by authority of the President of the United States, to receive and report such testimony as might be offered touching certain charges preferred by Mr. Hanson Gassaway, relative to the condemnation, and delivery to him, of sundry places of ordnance at Washington arsenal; and certain other charges connected with sundry contracts, and other matters connected with the office of the Navy Commissioners, which commissioners sat during the year 1833.

A true copy from the Journal.
Attest: B. F. HALLETT, Clerk.

In Select Committee of the House to inquire into the Executive Departments, &c. Jan. 23d, 1837.

The following resolutions were adopted, and the chairman directed to furnish the President of the United States with a copy of the same:

*Resolved, That the President of the United States be requested, and the heads of the several Executive Departments be directed, to furnish this committee with a list or lists of all officers, or agents, or deputies, who have been appointed or employed and paid, since the 4th of March, 1829, to the 1st of December last, if any, without authority of law, or whose names are not contained in the last printed Register of public officers, commonly called the "Blue Book," by the President or either of the said heads of Departments, respectively, and without nomination to, or the advice and consent of, the Senate of the United States; showing the names of such officers, agents, or deputies, the sums paid to each, the services rendered, and by what authority appointed and paid, and what reasons for such appointments.

*Resolved, That the various Executive officers, in replying to the foregoing resolution, be requested, at the same time, to furnish a statement of the period at which any innovations not authorized by law, if such exist, had their origin; their causes, and the necessity which has required their continuance.

Attest: B. F. HALLETT, Clerk.

THE PRESIDENT'S LETTER TO THE COMMITTEE.

WASHINGTON CITY, Jan. 26, 1838.

Sir: I received, on the evening of the 24th instant, your letter covering a copy of certain resolutions purporting to have been adopted by a committee of the House of Representatives, of which you are the chairman, and request that you will lay before that committee this my reply, which I hasten to make.

It appears by the published proceedings of the House of Representatives, that the committee of which you are chairman was appointed on your motion. The resolution offered by you, and finally adopted by the House, raised if direct issue with that part of my annual message: "Before concluding this paper I think it due to the various Executive Departments to bear testimony to their prosperous condition, and to the ability and integrity with which they have been conducted. It has been my aim to enforce in all of them a vigilant and faithful discharge of the public business; and it is gratifying to me to believe that there is no just cause of complaint, from any quarter, at the manner in which they have fulfilled the object of their creation."—Your resolution is in the following words:—"Resolved, That so much of the President's message as relates to the condition of the various Executive Departments, the ability and integrity with which they have been conducted, the vigilant and faithful discharge of the public business in all of them, and the causes of complaint, from any quarter, at the manner in which they have fulfilled the objects of their creation," be referred to a select committee, to consist of nine members, with power to send for persons and papers, and with instructions to inquire into the condition of the

various Executive Departments, the ability and integrity with which they have been conducted, into the manner in which the public business has been discharged in all of them, and into all causes of complaint, from any quarter, at the manner in which said Departments, or their bureaus or offices, or any of their officers or agents of every description, whatever, directly or indirectly connected with them in any manner, officially or unofficially, in duties pertaining to the public interest, have fulfilled or failed to accomplish the objects of their creation, or have violated their duties, or have injured and impaired the public service and interest, and that said committee, in its inquiries, may refer to such periods of time as to them may seem expedient and proper." It also appears, from the published proceedings of the House, that this resolution was accompanied and supported by a speech of considerable length, in which you preferred many severe but vague charges of corruption and abuse in the Executive Departments. The resolutions adopted by the committee, as well as that adopted by the House itself, must be taken in connexion with your introductory speech, which gives a character to the whole proceeding. When thus regarded, it is obvious that, by the resolution of the House, an issue is made with the President of the United States, as he had alleged, in his annual message, that the heads of the executive Departments had performed their official duties with ability and integrity. In your speech you denied this; you charged them with manifold corruptions and abuses of trust, as you had done in former speeches, to which you referred; and you demanded an investigation through the medium of a committee. Certain other members of Congress, as appears by the public debates, united with you in these accusations; and for the purpose of ascertaining their truth or falsehood, the committee you demanded was ordered to be raised, and you were placed at its head. The first proceeding of the investigating committee is to pass a series of resolutions which, though amended in their passage, were, as understood, introduced by you, calling on the President and the heads of the Department not to answer to any specific charge; not to explain any alleged abuse; not to give information as to any particular transaction; but, assuming that they have been guilty of the charges alleged, call upon them to furnish evidence against themselves!

After the reiterated charges you have made, it was to have been expected that you would have been prepared to reduce them to specifications, and that the committee would then proceed to investigate the matters alleged. But, instead of this, you resort to generalities even more vague than your original accusations, and in open violation of the Constitution; and of that well established and wise maxim, "that all men are presumed to be innocent until proven guilty, according to the established rules of law," you request myself and the heads of the Departments to become our own accusers, and to furnish the evidence to convict ourselves; and this call purports to be founded on the authority of that body in which alone, by the Constitution, the power of impeaching us is vested!—The heads of Departments may answer such a request as they please, provided they do not withdraw their own time, and that of the officers under their direction, from the public business, to the injury thereof. To that business I shall direct them to devote themselves, in preference to any illegal and unconstitutional calls for information, no matter from what source it may come, or however anxious they may be to meet it. For myself, I shall repel all such attempts as an invasion of the principles of justice, as well as of the Constitution; and I shall esteem it my sacred duty to the People of the United States to resist them as I would the establishment of a Spanish inquisition.

If, after all the severe accusation contained in the various speeches of yourself and your associates, you are unwilling of your own accord to bring specific charges, then I request your committee to call your associates, and every other member of Congress who has made the general charge of corruption, to testify before God and our country, whether you or they know of any specific corruption or abuse of trust in the Executive Departments; and if so, what it is. If you are able to point to any case where there is the slightest reason to suspect corruption or abuse of trust, no obstacle, which I can remove shall be interposed to prevent the fullest scrutiny by all legal means.—The offices of all the Departments will be opened to you, and every proper facility furnished for this purpose.

I hope, sir, we shall at last have your charges, and that you will proceed to investigate them, not like an inquirer, but in the accustomed mode. If you either will not make specific accusations, or if, when made, you attempt to establish them by making freemen their own accusers, you will not expect me to countenance your proceedings. In the short period which remains of my official duty, I shall endeavor, as I have heretofore endeavored, to fulfil the obligations of that oath of office, by which I engaged, "to the best of my ability, to preserve, protect, and defend the Constitution of the United States;" and for this, and other reasons of the most solemn character, I shall, on the one hand, cause every possible facility, consistent with law and justice, to be given to the investigation of specific, tangible charges; and, on the other, shall repudiate all attempts to invade the just rights of the Executive Departments, and of the indi-

viduals composing the same. If, after all your clamor, you will make no specific charges, or bring no proof of such as shall be made, you and your associates must be regarded by the good People of the United States as the authors of unfounded calumnies; and the public servants whom you have assailed will, in the estimation of all honorable men, stand fully acquitted.

In the mean time, I cannot but express my astonishment that members of Congress should call for information as to the persons to whom contingent moneys are paid, and the object of those payments, when there are six standing committees under the seventy-seventh rule of the House of Representatives, whose special duties are to examine annually into all the details of those expenditures in each of the Executive Departments. The like remark is applicable to some other branches of the information sought by you, ample details in respect to which are to be found in the reports laid before Congress, and now on your files, and to which I recommend you to have recourse.

I am, respectfully, &c.
ANDREW JACKSON.

To the Hon. HENRY A. WISE,
Chairman of the Investigating Committee of the abuses and corruptions charged against the Executive Departments.

I certify that this is a true copy from the original sent.

Test: A. JACKSON, Jun.
Private Secretary, &c.

WASHINGTON, Feb. 7, 1837.

SIR: In the Globe of the 3d inst., I find the report of a speech made by you on the 4th, upon the Land bill, which contains the following passages, viz:

"Was it not notorious that the President of the United States himself had been connected with the purchase of the public lands? Yes, the 'experiment' (Mr. Calhoun delighted in the word) was the cause of speculation in public lands, and if this bill should not be passed, speculations could not go on, and the price of the public lands must consequently be reduced. He contended that every man could not but see that it would be utter ruin to those who had borrowed money to speculate in lands, if the system was not to go on." In a former part of your speech, as reported, you say: "The speculation which a particular state of things had given rise to, had been produced by those in power. They had profited by that state of things; and should this bill be passed, it would only consummate their wishes," &c.

Knowing the liabilities of reporters to err in taking down and writing out the speeches of members of Congress, I have made inquiry in relation to the accuracy of this report, and have been furnished with certificates of gentlemen who heard you, affirming that it is substantially correct.

You cannot but be aware, sir, that the imputations which your language conveys are calculated, if believed to destroy my character as a man, and that the charge is one which, if true, ought to produce my impeachment and punishment as a public officer. If I caused the removal of the deposits for the base purpose of enriching myself or my friends by any of the results which might grow out of that measure, there is no term of reproach which I do not deserve, and no punishment known to the laws which ought not to be inflicted on me. On the contrary, if the whole imputation, both as to motive and fact, be a fabrication and a calumny, the punishment which belongs to me, if guilty, is too mild for him who willfully makes it.

I am aware sir, of the constitutional privilege under which this imputation is cast forth, and the immunity which it secures. That privilege it is in no degree my purpose to violate, however gross and wicked may have been the abuse of it. But I exercise only the common right of every citizen, when I inform you, that the imputations you have cast upon me are false in every particular, not having for the last ten years purchased any public land, or had any interest in such purchase. The whole charge, unless explained, must be considered the offspring of a morbid imagination, or of sleepless malice.

I ask you, sir, as an act due to justice, honor and truth, to retract this charge on the floor of the Senate, in as public a manner as it has been uttered—it being the most appropriate mode by which you can repair the injury which might otherwise flow from it.

But in the event that you fail to do so, I then demand that you place your charge before the House of Representatives, that they may institute the necessary proceedings to ascertain the truth or falsehood of your imputation, with a view to such further measures as justice may require.

If you will neither do justice yourself nor place the matter in a position where justice may be done me by the representatives of the people, I shall be compelled to resort to the only remedy left me, and, before I leave the city, give publicity to this letter, by which you will stand stigmatized as one who, protected by his constitutional privilege, is ready to stab the reputation of others, without the magnanimity to do them justice, or the honor to place them in a situation to receive it from others.

Yours, &c.
ANDREW JACKSON.

To the Hon. J. C. CALHOUN, United States Senate.

(No. 1.)

WASHINGTON CITY, Feb. 6, 1837.

At the request of the President of the

United States, I hereby certify that I was present in the gallery of the Senate of the United States on Saturday, the 4th inst., during a discussion upon the land bill, and heard some of the remarks of Mr. CALHOUN upon that subject, in which the President was charged with being a speculator in public lands.

On coming out of the Capitol the subject was mentioned to me by a friend of the President's. And my recollection of the words used according with what he understood had been said, and which is substantially the same as reported in the Globe of the 6th inst.

(Signed) ARTHUR CAMPBELL.

(No. 2.)

WASHINGTON, Feb. 7, 1837.

SIR: In answer to your inquiry of me whether Mr. CALHOUN, in his remarks on the land bill, on Saturday last, used the words attributed to him by me in the report, which appeared in the 'Globe' of yesterday, viz: "Was it not notorious that the President of the United States himself had been connected with the purchase of public lands?" I would state that I have referred to my short hand notes, and find that such was the language he used according to the best of my knowledge and belief.

Yours, very respectfully,
(Signed) W. E. DRAKE.

I certify that No. 1 and No. 2 are true copies of the originals.

Test: A. JACKSON, Jun.

Private Secretary, &c.

LEXINGTON.

THURSDAY, FEB. 23, 1837.

The Sale of BOOKS, and upwards of two hundred files of NEWSPAPERS, will take place this evening, at Bradford's Auction Store. A fine chance for those who are making Scrap-Books.

"A Democrat" is omitted for want of room.

Yesterday, [the 22d February] notwithstanding the inclemency of the weather, was noticed in the usual appropriate style in this city.

It is stated that there was great rejoicing in Mexico, on the receipt of the intelligence of the release of Santa Ana.

Messrs. Underwood, and Harlan, are announced as candidates for reelection to Congress from their several districts.

Gen. SCOTT has been acquitted by the military Court at Frederick.

By the passengers who arrived last night in the car from Frankfort we learn, that the following changes in our Circuit Judges have been made, by and with the advice and consent of the Senate.

Christopher Tompkins in the place of Judge Monroe.

Joseph Eve in the place of Judge Ballenger.

Daniel Mayes in the place of Judge Hickey.

Richard C. Buckner in the place of Judge Kelley.

The three first were formerly Circuit Judges, and the latter Judge of the Court of Appeals.

There was a great riot in New York on the evening of the 13th inst., the Flour Store of Eli Hart was taken possession of, and a great quantity of wheat and flour destroyed. The street is stated to have been covered to the depth of a foot.

The Mexican government has sent a message to Vera Cruz, directing that should Santa Anna arrive there, he be received with all the honor due to him as President of the Republic. It is stated, that he will be immediately re-chosen as such—and that Bustamante declines the nomination. We entertain the hope, that on his reaching home, Texas will be acknowledged, and all the collision between Mexico and the United States prevented.

The official account of the election of MARTIN VAN BUREN, President and RICHARD M. JOHNSON—Vice President was received in the city on Thursday last, and immediately announced by the cannon's mouth, to the surrounding country. Irksome as was the sound to the abolition whigs, it had to be borne, and the mortification to our observing neighbor is not concealed. Although grumpy canon, (as our neighbor calls the venerable patriot) did not announce that Col. Johnson "was a pure and persecuted patriot," it did announce that the will of the people shall be obeyed.

That Col. Johnson is a pure patriot is announced by the vote he received for the second office in the nation; and that those who have attempted to vilify him by the most obscene and vulgar abuse, may have supposed they were persecuting him, we are willing to admit.—But we should as soon dignify the barking of a cur at the colonel as he passed the

street with persecution, as the impotent attacks upon him by the whig editors. He has been by them derided as limping or hopping among the hills—thus taunting him for his lameness occasioned by the honorable wounds received in defending his country! O shameless whiggery!!

ELECTION OF PRESIDENT AND VICE PRESIDENT.

On the 8th inst., the ceremony of the election of President and President, took place in Congress, by opening and counting the votes.

The following was the result for President:

Martin Van Buren,	166
Daniel Webster,	14
William H. Harrison,	73
Hugh L. White,	26
W. P. Mangum,	11

Total. 291

Martin Van Buren was declared elected President of the United States for four years, the 4th of March next, by the President of the Senate.

The vote for Vice President stood as follows, viz:

R. M. Johnson,	144
Francis Granger,	77
William Smith,	23

It appearing that no individual had received a majority of the Electoral votes for Vice President, the Senate withdrew to their Hall, and proceeded immediately to elect a Vice President. The following was the result:

FOR RICHARD M. JOHNSON.

Messrs. Benton of Missouri.
Black of Mississippi.
Brown of North Carolina.
Buchanan of Pennsylvania.
Cuthbert of Georgia.
Dana of Maine.
Ewing of Illinois.
Fulton of Arkansas.
Grandy of Tennessee.
Hendricks of Indiana.
Hubbard of New Hampshire.
King of Alabama.
King of Georgia.
Linn of Missouri.
Lyons of Michigan.
McKean of Pennsylvania.
Moore of Alabama.
Morris of Ohio.
Monton of Louisiana.
Nicholas of Louisiana.
Niles of Connecticut.
Norvell of Michigan.
Page of New Hampshire.
Parker of Virginia.
Rives of Virginia.
Robinson of Illinois.
Ruggles of Maine.
Sevier of Arkansas.
Strange of North Carolina.
Tallmadge of New York.
Tipson of Indiana.
Walker of Mississippi.
Wright of New York.

FOR FRANCIS GRANGER.

Messrs. Bayard of Delaware.
CLAY OF KENTUCKY.
Clayton of Delaware.
CRITTENDEN OF KY.
Davis of Massachusetts.
Ewing of Ohio.
Kent of Maryland.
Knight of Rhode Island.
Prentiss of Vermont.
Robbins of Rhode Island.
Southard of New Jersey.
Spence of Maryland.
Swift of Vermont.
Tomlinson of Connecticut.
Webster of Massachusetts.

The President of the Senate, (Mr. KIXE of Alabama) then rose, and proclaimed the result of the election as follows:

The whole number of Senators of the United States is,	52
Majority necessary to a choice,	27
Quorum required by the Constitution,	35
Whole number of Senators present,	49
For R. M. Johnson of Kentucky,	33
For Francis Granger of New York,	16

From which it appears that RICHARD M. JOHNSON, having the votes of a majority of the whole number of Senators, as required by the Constitution of the United States, is duly elected; and I therefore declare that R. M. JOHNSON, of Kentucky, has been chosen by the Senate, in pursuance of the provisions contained in the Constitution, VICE PRESIDENT OF THE UNITED STATES for four years, commencing with the 4th day of March, 1837.

It will be found that the two Kentucky Senators voted for the abolitionist for Vice President, whilst neither Calhoun, Preston or White, could swallow the dose.

REUBEN M. WHITNEY, has been brought before the House of Representatives, for contempt, in refusing to appear before the committee of investigation. At the last dates a motion was made for his discharge, but the house adjourned before coming to a decision.

John Q. Adams, who has been daily endeavoring to insult Congress during the whole session, and who enquired of the Speaker if a petition from slaves would come under the rule of being laid on the table without reading or further action, has, by this step retarded the important business of legislation for three days, in considering propositions to censure or expel him, has escaped both those

punishments, and the following resolution was passed by the House of Representatives on that subject:

Resolved, That the House cannot receive said petition without disregarding its own dignity, the rights of a large class of citizens of the South and West, and the Constitution of the United States.

Resolved, That slaves do not possess the right of petition secured to the citizens of the United States by the Constitution.

By the arrival of the Rail Road Car on Thursday night, it was ascertained that the Charleston rail road bill had passed, in such a shape as to ensure the completion of that great work, by its termination, for the present, at Lexington. Our great gun—the instrument which always proclaims TRUTH, was again had in requisition on the occasion.

RELATIONS WITH MEXICO. Most of the whig presses, taking their cue from the National Intelligencer, are censuring the President for his message in regard to Mexico, which will be found in this Gazette. They declare that the course recommended is unequal for—that not one in a thousand of our citizens, know of any cause of complaint, which we had against that government. The truth of this allegation we do not admit, although, had been no other medium of communication except their papers such might have been the case. But there are Journalists who have not deemed it proper to take sides with every foreign government that may chuse to injure or insult us.

But admitting that our grievances were unknown to the people generally. They were known to those who were insulted and robbed and imprisoned—they were known to the old Hero, who has declared he will ask nothing but what is clearly right, and submit to nothing wrong.

It is true in the further management of our concerns with Mexico, we shall not have the benefit of Gen. Jackson's energetic mind; but we trust his mantle has fallen on one, who will at least 'carry out the principle adopted by him, as stated above.

We are not of those who could give aid or comfort to our enemies when we are in the right; but would rather unite with the Scotch woman, who prayed the Lord to stand by the Duke of Hamilton's regiment right or wrong. We are for our country.

Whether or not we have cause of complaint against Mexico, will be ascertained, by a perusal of the letters of Mr. Forsyth, to Mr. Ellis, in this paper.

COMMUNICATION.

Vain as we know one of the Editors of the Observer to be, we could not have supposed his vanity would have extended so far, as to put him to a very great expense, to procure and circulate his own likeness. But as that Editor, acknowledged himself under obligations to the Gazette for republishing the Black Lines. I ask of you to confer a further favour on him, by the insertion in your paper of his likeness which has been procured at such great expense—and I can assure you that cloudy as was the morning when it issued, the likeness was recognized by every one as most excellent.

From the Observer & Reporter.

The reader will find in another column of our paper, an excellent lithograph likeness of a distinguished gentleman of the day.—This likeness has been procured at a very great expense from one of our first native artists, and will doubtless be recognized by those acquainted with the original as very striking and appropriate.

LITHOGRAPH.



DIED.—At his residence, 4 miles from Lexington on Saturday night, the 18th inst. Mr. EDGAR M. CRUTCH FIELD, aged about 30 years.

In Scott County on the 11th inst. Mr. SAMUEL GLASS, an advanced age. Mr. G. had been for many years an exemplary member of the Presbyterian Church, was a good neighbor, a kind and indulgent husband and parent, a feeling and lenient master, and a scrupulously honest man in his dealings. The death of such a man, cannot fail to be deeply regretted by the community in which he lived.

TRANSYLVANIA UNIVERSITY.

This annual commencement of the Law Class, will take place in the Chapel on Monday next, the 27th February. Professional gentlemen and the public generally, are invited to attend that ceremony, at 10 o'clock that day.

Feb. 23, 1837.

EXECUTORS NOTICE.

ALL persons having claims against the Estate of Maj. Wm. Boon, dec. will present them, duly proven, for payment; and those indebted to the Executors will settle the Estate immediately. The notes and accounts are in the hands of William Boon, Jr., for collection.

JOHN L. MOORE,
JOSEPH M. MAJOR,
WM. BOON, Jr., Executors.

Feb. 23, 1837.—8-1m.

FAYETTE COUNTY, SS.

TAKEN up by Ransdale Petty, 6 miles from Lexington, between the Boonsborough and Tates Creek roads, a BAY MARE, 14½ hands high; a small star in her forehead; 4 years old last spring appraised to \$45 (names of appraisers omitted).

Given under my hand, this 12th Dec. 1836.
DABNEY C. OVERTON, J. P.
J. C. RODES, Clerk.
A. Cory. By WALTER RHODES, D. C.
Feb. 23, 1837.—8-3m.

Executors' Sale.

THE undersigned, Executors of SAMUEL GLASS, dec'd., will, upon Thursday, the 16th day of March next, at the late residence of said decedent, in Scott county, about 1 mile north of the Great Crossings, sell, at Public Auction, the Real and Personal Estate of said decedent, consisting of a FARM, containing about 300 ACRES OF LAND.

Together with the stock of Horses, Mules, Cattle, Sheep and Hogs; Household and Kitchen Furniture, Farming Utensils, Grain, &c. &c.

The above Farm, in point of soil, water, timber, improvement and locality, is inferior to none in Scott county. Amongst the articles of personal estate will be sold a Wagon and Gear; one Ox Cart and Yoke of Oxen, and about FIVE TONS OF HEMP broken out.

The Farm will be sold on the following terms: one-third of the purchase money, cash in hand, remaining two-thirds in two equal annual payments. The title will be made and possession given upon the first payment, and a mortgage required upon the land to secure the two last payments.

A note for the first payment, with approved security, negotiable and payable at the Northern Bank of Kentucky, in six weeks, will be received, if it should be any accommodation to the purchaser.

The personal estate will be sold on a credit of nine months for all sums over Ten Dollars; for Ten Dollars and under, cash in hand. Bond with approved security will be required of credit purchasers. The undersigned Hugh M. Glass, decedent's premises, will show the lines, boundary, &c. of said farm at any time, to any person desiring to purchase.

SAMUEL GLASS,
HUGH M. GLASS,
Executors.

Feb. 23, 1837.—8-4t.

WANTED IMMEDIATELY.

BOYS from 14 to 15 years of age, to learn the Drug and Chemical Business. Application with suitable recommendation must be made early to

SAML. C. TROTTER,
Chesapeake, near Northern Bank.

Feb. 23, 1837.—8-4t.

FOR RENT.

THE First and second Stories of that new and splendid Three Story Brick Warehouse, 109 by 24 feet, on Water street, fronting the Rail Road office, owned by the Subscriber, and the heirs of Charlton Hunt, dec'd. Terms reasonable, and possession given early in March.

A. O. NEWTON.

February 23, 1837.—8-3t.

TOW LINEN &C.

5000 YARDS TOW LINEN; 2000 YARDS BEREAF; For sale on reasonable terms, by

HIGGINS, COCHRAN & Co.

Lex. Feb. 18, 1837.—8-4t.

WEIGHTS AND MEASURES.

THE undersigned having been appointed by the Mayor and Council of the City of Lexington, Inspector of Weights and Measures for the City, hereby gives notice that he is prepared to adjust either, when called upon, at the Grocery and Plank yard of Layton & Headington, on short street, near the Jail.

N. HEADINGTON.

Feb. 12 1837.—8-3t.

From the Intelligencer.

CITY SCHOOL.

MESSRS. EDITORS.—There appeared in the Kentucky Gazette of the 9th inst., an excellent article on the subject of Education, for the signature of 'W.' in which the writer, in a handsome and appropriate notice of the recent examination of the pupils of the City School, pays to this institution an elegant compliment and deserved tribute of respect. But, as from the limited circulation of any one newspaper in the city, this excellent article has met the notice of a small portion only of the citizens, many of whom have seen no suitable notice of the late examination of the pupils of the school. I hereby send you, for insertion in your next paper, extracts from the reports of the City School Committee, at the January and February meetings of the Mayor and Board of Councilmen, as being better calculated, than anything I can say on that subject, to meet the views and expectations of the citizens, as being in perfect accordance with the facts of the case, and highly creditable to the Institution.

The City School is a common property, in which every citizen, without distinction, has a direct and individual interest. The benefits of this institution are not confined to a favored few, but equally and impartially distributed amongst all ranks, classes and conditions of citizens without distinction, and even without the rich legacy recently bequeathed by William Morton, dec'd., say about \$10,000 to the City School and to the city to aid defraying the expenses consequent upon the adoption of the measures recommended. Yet your Committee have formed too high an estimate of the virtue, intelligence and public spirit of the citizens of Lexington, to propose, for a moment, that they would demur to any measure having for its object the support of an institution of so much importance to their children; and therefore so dear to them as is the City School.

The sixth session of the School closed in the most satisfactory manner. The examination of the pupils was highly creditable, and the result such as fully sustains the high reputation of the school. The course of instruction in all the branches necessary in a complete business education, is full and thorough, the method of imparting instruction is superior, and the discipline is of the most salutary and wholesome kind. The school is in every respect well governed, orderly and regular, far surpassing any idea which they had conceived of its merits, and more than realizing the most sanguine expectations of its warmest friends.

These extracts will serve to show the high estimation in which those gentlemen hold this flourishing institution; which, whilst it pours forth, with a munificent hand, the blessings of moral and scientific instruction upon the youth of the city of which it is at once the ornament and pride—stands a living monument to the honor of its four accomplished Principals, it will hand down to future generations, as the common benefactors of the race of Man. I had the satisfaction of witnessing the late examination of the pupils, which far surpassed any thing of the kind which I had ever seen, and which reflected the highest credit upon the teachers and their respective classes. In relation to the City School there can be but one sentiment—that it merits the high praise it occupies in the affections of the citizens of Lexington.

Respectfully,

JAS. G. MCKINNEY.

Lexington, Feb. 16, 1837.—8-1t.

Sale at Public Auction.

ON Saturday the 25th inst. at 12 o'clock, A. M. will be sold on the premises, my BAGGING FACTORY AND RESIDENCE, situated on the Versailles Turnpike, less than one-half mile from the City limits. This property is very valuable, as the buildings are numerous and permanent; there is in the Factory machinery sufficient for running 16 looms; there are 32 Acres of the land attached. Terms of sale, one third Cash; the balance in six and twelve months. Possession given immediately; title good.

SAM'L. PILKINGTON.

Feb. 15, 1837.—7-1s.

CLOVER SEED.

200 BUSHELS for sale low, by

MONTMOLLIN & CORNWALL.

Feb. 9, 1837.—6-4t.

TO WHOLESALE DEALERS.

New Goods

FEBRUARY 17 1837.

TILFORD, HOLLOWAY & CO.

ARE now receiving their first supply of SPRING GOODS, comprising a general Assortment of

STAPLE & FANCY MERCHANDIZE.

Their stock is now large, and they will continue to receive additional supplies weekly throughout the season.

The attention of Merchants purchasing to sell again, is respectfully invited, as they promise to such, great inducements.

Lex., Feb. 18, 1837.—8-6wif

NEW FIRM

In the Boot & Shoe Business.

THE Subscribers having formed a Copartnership under the name and style of

Vanpel & Franklin.

Will carry on the above business in all its branches at the old stand of S. B. VANPEL, on Upper St., next door to the Intelligencer Office.

They manufacture every description of fine Ladies' and Gentlemen's

Shoes, Boots, Booties Gaiter Boots,

Kid Slippers, &c. &c.

And Lasting Work of every kind, together with

COARSE SHOES AND BOOTS.

They also keep constantly on hand a large supply of Eastern made SHOES, BOOTS, &c. &c. of the very best quality, which they warrant to their customers. Their assortment at present is as large as any in the city, comprising every variety of style and price—so that those who favor them with a call may be assured of being suited.

They respectfully solicit a share of the public patronage and the custom of their friends.

S. B. VANPEL,
H. B. FRANKLIN.

Lex., Feb. 11, 1837.—7-1t

S. B. VANPEL respectfully requests his former customers who are in arrears, to call and settle up their accounts, as it is necessary for the old books to be closed. He hopes that none will slight this invitation.

Feb. 11, 1837.

SALE OF VALUABLE REAL ESTATE. IN LEXINGTON.

BY virtue of a decree of the Fayette Circuit Court, rendered on the petition of the heirs of Edward West, dec'd., I will expose to public sale, on the premises, on Saturday, the 4th day of March next, the property in the petition mentioned, being that formerly owned and in part occupied by Edward West, dec'd., said property lies on Mill street, between Water and High streets, and has four good substantial buildings upon it, two of them on Water street immediately opposite the head of the Rail Road, and well calculated for business purposes; one on High street, a large and commodious family residence.

The property will be sold in parcels conveniently arranged.

Terms.—One fourth of the purchase money in hand, the balance in three equal annual payments, with interest from the date, to be secured by the bonds of the purchaser, and the retention of the title until all the purchase money is paid.

—Sale to commence at 12 o'clock, M.

H. I. BODLEY, Com'r.

Lexington, Feb. 7, 1837.—7-1t.

ADMINISTRATOR'S SALE.

WILL BE SOLD on Monday the 27th February, at the late residence of Anthony Stout, dec'd., on Cane Run, near the road em Georgetown to Lexington, the personal estate of said decedent, consisting of Horses, Cattle, Sheep and Hogs; House and Kitchen Furniture; Farming Utensils &c. A YOUNG HORSE, By Whip, from a Hamilton Mare, a fine animal, aged 5 years. A Two Horse wagon and gear. Also a large lot of Bacon and about two tons of old Hemp broke.

Six months credit for all sums over \$5; under that amount cash in hand. Bond and approved security will be required. Sale to commence at 11 o'clock, A. M.

EVERETT O. STOUT, } Adm'r.

